



9-29-4

2626

AMENDMENT TRANSMITTAL LETTER				Docket No. 55090 (70904)	
Application No. 09/653,970		Filing Date September 1, 2000		Examiner M. A. V. Nguyen	
				Art Unit 2626	
Applicant(s): Kyosuke Taka et al.					
Invention: IMAGE FORMING APPARATUS AND IMAGE PROCESSING METHOD USED FOR THE SAME					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
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<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims		- 20 =		x	
Independent Claims		- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					0.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>04-1105</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
<u>David A. Tucker</u> David A. Tucker Attorney Reg. No.: 27,840  EDWARDS & ANGELL, LLP P.O. Box 55874 Boston, Massachusetts 02205 (617) 439-4444				Dated: <u>September 27, 2004</u>	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 437816376 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.					
Dated: September 27, 2004		Signature: <u>Kathryn Grindrod</u> (Kathryn Grindrod)			



Attorney Docket No. 55090 (70904)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): K. Taka, et al.  
SERIAL NO: 09/653,970 EXAMINER: Nguyen, Madeleine Anh Vinh  
FILED: September 1, 2000 GROUP: 2626  
FOR: IMAGE FORMING APPARATUS AND IMAGE PROCESSING METHOD  
USED FOR THE SAME

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express Mail, Post Office to addressee service (Express Mail Label No. EV 437816376 US ) in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 27, 2004.

By: Kathryn A. Grindrod  
Kathryn A. Grindrod

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Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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OCT 04 2004  
Technology Center 2600

Sir:

**RESPONSE TO NON-FINAL OFFICIAL  
ACTION REQUIRING ELECTION/RESTRICTION**

This is in response to the currently outstanding non-final Official Action in the above-identified case dated 3 September 2004.

Claims 1-28 are pending in the subject application. Claims 1-28 are subject to restriction and/or election requirement.

In the currently outstanding non-final Official Action, the Examiner has:

1. Failed to comment upon the acceptability of the drawings filed with this application or to acknowledge Applicants' claim for foreign priority, or to confirm the receipt by the United States Patent and Trademark Office of the required certified copies of the priority documents.
2. Failed to acknowledge Applicant's various Information Disclosure Statements by providing the Applicant with a signed, dated and initialed copies of the Forms PTO-1449 submitted therewith in confirmation of the consideration of the art listed therein;
3. Identified the following inventions claimed in the present application that she alleges to be patentably distinct from one another:

Group I, Claims 1-8, 12-15 and 16-17, drawn to an image forming apparatus with a plurality of gradation patterns for suppressing an uneven concentration appearing depending upon a scale of an electrostatic potential difference on the gradation patterns, classified in Class 358, subclass 1.2

Group II, Claims 9, 11, 18 and 20-27, drawn to an image forming apparatus and method with a pattern chart based on image information with multi-step gradation obtained by adding a dither value or a dither matrix, classified in Class 358, subclass 3.13

Group III, Claims 10 and 19, drawn to an image forming apparatus with a plurality of gradation pattern in which an image reading section has a larger output value on a high-concentration gradation pattern than on a low concentration gradation pattern, classified in Class 358, subclass 521

Group IV, Claim 28, drawn to an image processing method with a first image larger than a second image in number of gradation steps, classified in Class 358, subclass 518

3. Required the Applicants to elect one of the foregoing inventions under 35 USC 121 for further prosecution on the merits in this application.
4. Indicated that inventions of Groups I, II, III and IV are related as subcombinations disclosed as usable together in a single combination and asserted generally that the inventions can be shown to be distinct if they can be shown to be separately usable.

In response to the currently outstanding requirement for restriction, **Applicant hereby elects Group 1, Claims 1-8, 12-15, and 16-17**, for further prosecution in the merits in this application.

Applicants respectfully submit that this communication is fully responsive to the currently outstanding Official Action in the above-identified application. Early substantive consideration and allowance of the above elected claims 1-8, 12-15, and 16-17 is respectfully requested.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: September 27, 2004

David A. Tucker  
SIGNATURE OF PRACTITIONER

Reg. No.: 27,840

David A. Tucker  
(type or print name of practitioner)  
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